

HOUSE JOINT RESOLUTION NO. 11

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES STAPP, Carrick, Dibert, Tomaszewski, Prax, Cronk, McCabe, Coulombe, Vance, Wright, Saddler, McKay, D.Johnson, Ruffridge, Sumner, Mears, C.Johnson, Galvin, Ortiz, Carpenter, Groh, Tilton

SENATORS Myers, Kawasaki, Tobin, Shower, Kaufman, Dunbar, Bjorkman, Bishop, Stedman, Claman, Hughes, Gray-Jackson

**Introduced: 3/8/23
Referred: Resources**

A RESOLUTION

Urging the United States Environmental Protection Agency to develop a woodstove certification program that addresses the threat to clean and healthy winter air in Fairbanks; and urging the state Department of Environmental Conservation to develop an economically and legally defensible state implementation plan for the Fairbanks North Star Borough nonattainment area.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS, in November 2009, the United States Environmental Protection Agency designated part of the Fairbanks North Star Borough a nonattainment area for fine particle pollution; and

WHEREAS, in May 2017, the United States Environmental Protection Agency reclassified the Fairbanks North Star Borough nonattainment area from moderate to serious for particulate matter 2.5 (PM2.5), which are fine inhalable particles with diameters that are generally 2.5 micrometers and smaller; and

WHEREAS PM2.5 pollution is of serious concern and is harmful to the health of

1 vulnerable Alaskans subjected to it; and

2 **WHEREAS**, in the winter, PM2.5 concentrations in the Fairbanks North Star
3 Borough nonattainment area routinely exceed federal health-based standards; and

4 **WHEREAS** air quality issues could affect large-scale economic development,
5 including military expansion; and

6 **WHEREAS** studies have identified wood burning as the greatest contributor of
7 PM2.5 pollution; and

8 **WHEREAS** the state Department of Environmental Conservation has developed a
9 state implementation plan to address wood burning as the root cause of PM2.5 pollution; and

10 **WHEREAS** actual PM2.5 pollution measured across the Fairbanks North Star
11 Borough nonattainment area has halved as the result of efforts taken under the state
12 Department of Environmental Conservation's moderate and serious state implementation
13 plans; and

14 **WHEREAS** a significant reduction in PM2.5 emissions has been attributed to the
15 replacement of solid fuel burning appliances, also known as woodstoves, with either new
16 United States Environmental Protection Agency-certified solid fuel burning appliances or
17 non-solid fuel burning appliance alternatives; and

18 **WHEREAS** United States Environmental Protection Agency-certified appliances
19 installed in the Fairbanks North Star Borough nonattainment area did not decrease PM2.5
20 emissions when compared to previously installed solid fuel burning appliances because of the
21 United States Environmental Protection Agency's failure to competently manage and
22 implement testing standards for this program; and

23 **WHEREAS** the United States Environmental Protection Agency approved the state
24 Department of Environmental Conservation's standards for wood-fired heating devices and
25 solid fuel burning appliance control measures from the serious state implementation plan in
26 September 2021, effectively supporting the state Department of Environmental Conservation's
27 finding that the United States Environmental Protection Agency's national wood heater
28 certification program is deeply flawed; and

29 **WHEREAS**, at the national policy level, the United States Environmental Protection
30 Agency seems intent on turning attentions toward so-called greener sources of heat, including
31 electric heat pumps that will not work as solutions in the Fairbanks North Star Borough

1 because the second law of thermodynamics states that heat always moves from hotter objects
2 to colder objects, unless energy in some form is supplied to reverse the direction of heat flow;
3 and

4 **WHEREAS** residents of the Fairbanks North Star Borough need adequate and
5 affordable sources of heat in harsh subarctic winter conditions, and the state Department of
6 Environmental Conservation has acknowledged that a pathway for the use of solid fuel
7 burning appliances is essential to these Alaskans; and

8 **WHEREAS** the state Department of Environmental Conservation's state
9 implementation plan was crafted in adherence to an enormous effort from the local
10 stakeholders group; and

11 **WHEREAS** the United States Environmental Protection Agency has yet to provide a
12 working model necessary to dismiss overly burdensome and expensive controls on local
13 power plants that insignificantly contribute to air pollution during air alert days in the
14 Fairbanks North Star Borough; and

15 **WHEREAS** the United States Environmental Protection Agency proposes to mandate
16 these more expensive controls, even though such an investment would be unlikely to reduce
17 exposure to unhealthy air; and

18 **WHEREAS** the United States Environmental Protection Agency would further
19 mandate ultra-low-sulfur diesel for home heating oil, driving up the cost of living for residents
20 of the Fairbanks North Star Borough; and

21 **WHEREAS** these actions will drive residents to solid fuel burning appliances as a
22 source of heat; and

23 **WHEREAS** the United States Environmental Protection Agency has nevertheless
24 reverted to a liability-averse course of disapproval for the state Department of Environmental
25 Conservation's state implementation plan that would impose costly and burdensome
26 regulations;

27 **BE IT RESOLVED** that the Alaska State Legislature urges the United States
28 Environmental Protection Agency to develop a woodstove certification program that the state
29 Department of Environmental Conservation and residents of the Fairbanks North Star
30 Borough nonattainment area can rely on to address the core threat to clean and healthy winter
31 air in Fairbanks; and be it

1 **FURTHER RESOLVED** that the Alaska State Legislature urges the state
2 Department of Environmental Conservation to continue efforts to develop and defend a state
3 implementation plan for the Fairbanks North Star Borough serious nonattainment area that
4 acknowledges the unique challenges Alaskans face, is economically and technically feasible,
5 and is legally defensible, while avoiding costly and burdensome requirements that further
6 such hardships; and be it

7 **FURTHER RESOLVED** that the Alaska State Legislature urges the state
8 Department of Environmental Conservation to investigate all options to defend its state
9 implementation plan, which reflects the community's needs and engagement, from federal
10 attack, in court if necessary.

11 **COPIES** of this resolution shall be sent to the Honorable Joseph R. Biden, President
12 of the United States; the Honorable Kamala D. Harris, Vice President of the United States and
13 President of the U.S. Senate; the Honorable Deb Haaland, United States Secretary of the
14 Interior; and the Honorable Michael S. Regan, Administrator of the U.S. Environmental
15 Protection Agency; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S.
16 Senators, and the Honorable Mary Peltola, U.S. Representative, members of the Alaska
17 delegation in Congress.